

## **REMARKS**

The Office Action dated June 17, 2010, has been reviewed and the comments of the U.S. Patent and Trademark Office ("Office") have been considered. The following remarks are respectfully submitted to place all pending claims in condition for allowance.

### **1. Status of the Claims**

A detailed listing of all claims that are in the application is presented with an appropriate defined status identifier. Currently, claims 21-38, 40 and 41 are pending. Claims 1-20 and 39 were canceled previously. Applicants thank the Examiner for allowance of claims 21-24, 26-38, 40 and 41.

Applicants have amended claim 25. Support for the amendment may be found throughout the disclosure, particularly in the specification at Table 1 on page 76, structure no. 13, and Table 3 on page 78, structure nos. 32 and 34. No new matter has been introduced by the claim amendments. Thus, Applicants request entry of the amended claim.

### **2. Summary of Examiner Interview**

Applicants submit this statement of the substance of the telephone interview held August 23, 2010, with Examiner Mark Berch and Applicants' representative Mark Shanks. Applicants' representative requested the interview to discuss the Office Action issued June 17, 2010, in the present application. Applicants' representative and Examiner Berch discussed the indefiniteness rejection of claim 25 under 35 U.S.C. § 112 and Applicants' definition of the term "stereochemically isomeric forms" in the specification. Applicants thank Examiner Berch for the substantive discussion of the Office Action and the current application.

**3. Rejection under 35 U.S.C. § 112, second paragraph**

The Office rejected claim 25 as allegedly being indefinite for the recitation “stereochemically isomeric forms thereof” in the claim. (Office Action at page 2). The Office asserted that none of the species has a chiral center, thus “stereochemically isomeric forms thereof” are impossible. *Id.*

Without conceding to the validity of the rejection and merely to advance prosecution of the application, Applicants have amended claim 25 to recite “a pharmaceutically acceptable addition salt, or E (entgegen) or Z (zusammen) isomeric forms thereof.”

In addition, Applicants have amended claim 25 to remove a duplicate structure, and add three preferred compounds as identified in the specification at page 27, lines 34-37. The structures for these additional compounds are found in the specification at Table 1 on page 76, structure no. 13, and Table 3 on page 78, structure nos. 32 and 34.

Therefore, Applicants submit that claim 25 is definite and request reconsideration and withdrawal of the rejection.


**4. Conclusion**

In view of the above amendment, Applicants believe the pending application is in condition for allowance for all pending claims and request favorable action on the merits. Should the Examiner feel that any issue remains to hinder allowance of claim 25, Applicants request that the Examiner contact the undersigned to resolve the issue.

Applicants submit concurrently a request for one-month extension of time under 37 C.F.R. § 1.136 and a request for continued examination under 37 C.F.R. § 1.114, and the accompanying fees set forth in 37 C.F.R. §§ 1.17(a) and (e) paid by Credit Card in the amount of \$940.00. In the event that any additional extension of time is necessary to prevent the abandonment of this patent application, then such extension of time is petitioned. The U.S. Patent and Trademark Office is authorized to charge any additional fees that may be required in conjunction with this submission (or with any paper filed by this firm for this application or resulting patent) to Deposit Account Number 50-2228, from which the undersigned is authorized to draw, under Order No. 026038.0281PTUS.

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Respectfully submitted,

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